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WORCESTER COUNTY
LAW LIBRARY

MASSACHUSETTS
COUNTY LAW LIBRARIES

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Massachusetts County Law Libraries.

The first act relating to law libraries bears date of 1814. The origin of these libraries was probably a collection of early laws of the State for the use of court and county officials. Then followed the reports of this State as they were published, then laws and reports of other New England States. From there on the growth was steady; more or less rapid according to circumstances. Some of these county law libraries date from nearly a century ago, almost from the first law, others from the middle of the past century and a few have been started within the last twenty years. The earlier libraries were entrusted to a law library association, which is simply a trustee for, and of, the library. Some of the later libraries are placed under control of the local bar associations as trustees. But none of these libraries are owned by any of these associations, and none of them are bar libraries in the accepted use of that term. The acts state that the title to the books shall be in the county. Under the statute they are public libraries, "open to court and citizens," and as such are entitled to duty-free importation of foreign books under the U. S. Statutes and also under the decisions of the U. S. Treasury Department. Similar law libraries in a sister State, but so controlled by their bar associations as to exclude the public, were held by the U. S. Treasury Department to be proprietary libraries and as such liable for duty on imported books. All funds for their support come from the County Commissioners, under the statute. The bills of the library, first or last, go to the Commissioners for approval, and the library is listed among the assets of the county. Even the largest of them are kept more strictly to the law than are the ordinary bar libraries, as a general thing.

A bar library being really a proprietary institution can and does indulge in some expenditures, which would not be proper in a law library supported by public funds. The latter has no right to accumulate books on general literature, history or travel, such as

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are found in some bar libraries. The allied branches of law, namely, economics, sociology, political economy, legislation, with all ancient law and most of the modern Continental law are and should be barred from their shelves. They are not justified in spending large sums of money on expensive reference works of a general character, for in each city or town where one of these county law libraries is located, is also to be found one of the hundreds of free public libraries of which this state is so proud.

These county law libraries are located as follows:

Barnstable,	.	.	.	.	.	.	.	Barnstable
Berkshire,	.	.	.	.	.	.	.	Pittsfield
Bristol,	.	.	.	Fall River,	New Bedford	and Taunton		
Dukes,	.	.	.	.	.	.	.	Edgartown
Essex,	.	.	.	Salem,	Lawrence,	Newburyport		
Franklin,	.	.	.	.	.	.	.	Greenfield
Hampden,	.	.	.	.	.	.	.	Springfield
Hampshire,	.	.	.	.	.	.	.	Northampton
Middlesex,	.	.	.	.	East Cambridge,	Lowell		
Nantucket,	.	.	.	.	.	.	.	Nantucket
Norfolk,	.	.	.	.	.	.	.	Dedham
Plymouth,	.	.	.	.	.	.	.	Plymouth
Worcester,	.	.	.	.	.	.	.	Worcester, Fitchburg

These law libraries, as before mentioned, were originally in the office of the clerk of courts, and the Clerk of Courts is *ex officio* the librarian. In the case of the smaller libraries he still retains charge of the library, but in the following counties he has deputed his duties to other persons, Barnstable, Berkshire, Bristol, Essex, Hampden, Middlesex, Plymouth, Worcester. The following questions were submitted to all of the county law libraries: 1. Date of organization. 2. Number of volumes. 3. Character of library. 4. Use. 5. Reference or circulating. Nearly all of the libraries have replied and their reports now follow.

Barnstable County Law Library was organized in April, 1889. Number of volumes, 1,800. Library is open for reference and circulation every day except holidays and Sundays, as are all these County Law Libraries.

Berkshire County Law Library was incorporated about 1842. Number of volumes, 10,500. Contains U. S. Supreme Reports, American Reporter Series, State Reports, English Reports, U. S. Documents and text books.

Bristol County Law Library, Fall River. Organized under the law of 1894. Number of volumes, 5,000. Reference mainly, books circulated to attorneys and persons holding permits from the directors. Is a general law library.

Bristol County Law Library, Taunton, has about 5,000 volumes. Comprises English Reports, State Reports, reporter system and text-books. Only members of the bar are allowed to take books from the library.

Dukes County Law Library. Started in 1890. Number of volumes, 679. U. S. Supreme Reports, N. E. Reporter, Massachusetts Reports, A. and E. Encyclopædia of Law, and Text-books. Reference only.

Franklin County Law Library. Organized about 1850. Has 8,000 volumes. Principal English Reports, nearly all the State Reports and a fair supply of digests, encyclopædias, statutes and text-books. Reference only. Certain books may be withdrawn on receipt for same.

Hampden County Law Library was started in 1813. It contained but few volumes until 1860 when a member of the bar was elected as a county commissioner. Number of volumes is 12,200. Contains the United States and State Reports, the English Reports and some text-books, with necessary dictionaries, digests and statutes. It is strictly a reference library, with the exception of some three hundred volumes.

Nantucket County Law Library. As yet this county has no regular organization of a county law library. There are about 200 volumes located in the office of the clerk of court.

Norfolk County Law Library was organized in 1898. Number of volumes, 8,250. The library contains U. S. and State Reports and text-books. Mainly reference.

Plymouth County Law Library was started about the middle of the last century. The growth has been gradual until the present time when the library numbers 5,620 volumes. It comprises

American and English Reports with the usual digests and dictionaries and some text-books. The library is used mainly as a reference library but provision is made for circulation of text-books.

Worcester County Law Library, organized in 1842. Growth slow until about 1878. Numbers 25,000 volumes. Contains all the U. S., State, Canadian, English, Irish and Scotch reports, long runs of session laws, and statutes of the States, also dictionaries and digests, unusually large proportion of text-books. A collection of law periodical sets and a few sets of Federal and State documents. Besides the reference use we have a circulation use which extends over the entire county.

The total number of volumes in these county law libraries is over 150,000 volumes. In all these counties the lawyer has free access to a good working law library and this obviates his being a member of a bar library at a considerable expense per year.

He does not need to accumulate much of a library of his own. His library only comprises a set of the State Reports, necessary statutes and digests and a few local text-books. It is not too much to claim that the high standing of the Massachusetts bar and the excellency of the legislation and reports of this State are largely due to the system of free county law libraries. These law libraries have been established and maintained from fees; there has been no increase of the tax-rate on their account.

The United States Immigration and Naturalization Act of June 30, 1906, deprived them of one-half of the naturalization fees, and conflict between the Federal and State law has tied up the other half of the naturalization fees. In some counties special legislation has been necessary, in others the County Commissioners, acting under the statutes by which they have authority, have granted the additional sums necessary for their maintenance. These county law libraries have become such a necessity, and the additional amounts needed are so small compared with the benefits, that this aid is freely and willingly granted.

Some sort of an organization among us would result to our individual and collective advantage, and it is earnestly hoped that this may be accomplished.

Passing now to a consideration of the laws under which they

have been established and maintained, we give, in most of them, only the citation and a line or so of summary, as it is manifestly unnecessary to reproduce all of this legislation on the subject.

Laws 1814, ch. 178—Authorizes establishment of law libraries and gives them the excise fees for admission to the Court of Common Pleas.

Laws 1823, ch. 251—Appropriates excise fees for admission to Supreme Court to the law libraries.

Acts and Resolves 1842, ch. 94—Legalizes incorporation of law library associations and makes them public libraries.

Acts and Resolves 1856, ch. 71—County Commissioners authorized to disburse such sums as they think necessary and proper for public law libraries for use of court and citizens, provided funds do not exceed amount of clerk of courts' fees.

Acts and Resolves 1856, ch. 184—Counsellors and attorneys who have neglected to organize under 1842, ch. 94, are allowed to do so.

Acts and Resolves 1859, ch. 172—County Treasurers shall pay to county law library association, one quarter of all fees from clerk of court, provided it does not exceed one thousand dollars; if it does they shall pay one thousand dollars.

Supplement Revised Statutes 1854-1859, ch. 71—County Commissioners to pay to county law libraries not exceeding amount of clerk of courts fees.

General Statutes 1860, ch. 33, sections 1-7—Law libraries to receive one thousand dollars from clerk of courts' fees, annually, and such further sums from these fees, not to exceed the whole amount, as the county commissioners may deem necessary and proper.

Acts and Resolves 1863, ch. 215, amends G. S., ch. 33, sec. 6, to read like Acts and Resolves 1859, ch. 172.

Acts and resolves 1874, ch. 156, still further amends G. S., ch. 33, sec. 6, so that whole amount paid shall not exceed two thousand dollars. Repeals 1863, ch. 215.

Public Statutes (1882) ch 40, sec. 1-8—Re-enacts all of G. S., ch. 33, sec. 1-7, and also includes later legislation relative to documents and brings annual amount up to fifteen hundred dollars.



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Acts and Resolves 1882, ch. 246—Amends P. S., ch. 40, sec. 6, by substituting two thousand dollars.

Acts and Resolves 1885, ch. 345, sec. 6—All fees received by clerks of courts of the Commonwealth in naturalization cases, shall be accounted for and paid over by said clerks semi-annually, to the treasurers of their respective counties and such county treasurers shall pay the same, to be in addition to the sums such associations are now entitled to receive by law.

Acts and Resolves 1897, ch. 153, sec. 4, and Acts and Resolves 1897, ch. 505—Relate to reports of county commissioners and accounting for annual amounts payable to law libraries.

Revised Laws 1902, ch. 38, sec. 2-5—Re-enacts previous legislation, gives them two thousand dollars from clerk of courts' fees and such further sums as county commissioners may consider proper.

The following acts are all private ones for relief of the law libraries of Bristol, Essex and Franklin Counties. 1878, ch. 13; 1894, ch. 243; 1897, ch. 367; 1898, ch. 258, 285; 1900, ch. 304; 1902, ch. 363; 1903, ch. 442; 1904, ch. 328; 1906, ch. 209; 1906, ch. 428; 1907, ch. 278; 1907, ch. 279; 1907, ch. 280; 1907, ch. 281.